



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,394	07/02/2002	Gino Daniel De-Gol	70471	2902

23872 7590 11/20/2002

MCGLEW & TUTTLE, PC
SCARBOROUGH STATION
SCARBOROUGH, NY 10510

EXAMINER

NGUYEN, KIEN T

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,394

Applicant(s)

DE-GOL, GINO DANIEL

Examiner

Kien T. Nguyen

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-43 and 47-69 is/are rejected.
- 7) ☒ Claim(s) 44-46 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-19, 27, 29-31, 68, and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 05158399.

JP ('399) disclosed an amusement ride comprising an output member having an anthropomorphic robot arm (30) with six degrees of movement, a passenger station (11) movable engagement with the output member, a platform (bottom panel of passenger station 11), a support member (51) in connection to the robot arm and being on the ground, a column (50) where the robot arm mounted thereto. The passenger station comprises one or more seats (12), means for audio-visual interaction having speakers and display means (14), the audiovisual interaction is synchronized with movements of the ride via data carrier (16) in the form of a video player (16) or any equivalent device and connected to the controller (70) adjacent the passenger entrance. Means for rotating the column (50) about Z6 axis that is parallel to the axis of the column. The column (50) can be mounted on a roller coaster or any equivalent ride.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3712

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399) in view of Knijpstra U.S. Patent 5,558,581.

It is noted that JP ('399) failed to teach the arm being connected to a wall or a ceiling as set forth in these claims. However, Knijpstra showed an amusement ride having a rotatable seat (11) with an arm (21) connected to a wall (20) or any equivalent surface. Therefore, it would have been obvious to one of ordinary skill in the art to modify the JP ('399) with the teachings of Knijpstra for the purpose of providing different sensations for the ride.

Claims 28, 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399).

Regarding claim 28, it is noted that the controller (70) of JP ('399) is not located in the passenger station. However, such feature is merely a matter of design choice and it does not appear that by positioning the controller inside the passenger station would provide any significant advantage over outside the passenger station.

As for claims 37-41, the use of a ticket in a form of a plastic card with bar code for admitting to an amusement ride or purchasing an item is very well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to provide JP ('399) with any known device using plastic bar code card for the purpose of enhancing the flow of the passengers into the amusement ride.

Claims 20-22 rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399) in view of Yoshimoto et al. U.S. Patent 5,860,808.

It is noted that JP ('399) failed to teach the use of the retaining means as set forth in these claims. However, Yoshimoto et al showed an amusement ride seat (113) having retaining means (11, 13) for retaining a passenger to the seat. Therefore, it would have been obvious to one of ordinary skill in the art to modify the seat of JP ('399) with the retaining means as taught by Yoshimoto et al for the advantage of increasing the safety of the passenger.

Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399) in view of European Patent 0997175.

It is noted that JP ('399) failed to teach the use of the weight sensor as set forth in these claims. However, EP ('175) showed a motion simulator having a robot arm with a weight sensor (3). Therefore, it would have been obvious to one of ordinary skill in the art to modify JP ('399) with the weight sensor as taught by EP ('175) for the advantage of increasing the safety of the passenger.

Claims 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399) in view of Meader U.S. Patent 6,079,982.

It is noted that JP ('399) failed to teach the use of the controller as set forth in these claims. However, Meader showed a simulator having a joystick controller (36) (Fig. 5) and other controllers (34-39) controlled by the passenger (see column 5, lines 20-40). Therefore, it would have been obvious to one of ordinary skill in the art to modify the JP ('399) with the controllers as taught by Meader for the purpose of allowing the passenger to control various motions of the station.

Claims 60-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399) in view of Hayashigawa U.S. Patent 5,865,624.

It is noted that JP ('399) failed to teach the use of additional passenger station interacting with each other as set forth in these claims. However, Hayashigawa teach a plurality of motion simulators (10, 12) interacting with each other by various electronic signal transmitters (24). Therefore, it would have been obvious to one of ordinary skill in the art to modify JP ('399) with the teachings of Hayashigawa for the advantage of allowing the passenger to interact with other simulator.

Claims 42, 43, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399) in view of Maynes U.S. Patent 870,378.

It is noted that JP ('399) failed to teach the use of a platform with the steps as set forth in these claims. However, such platform in an amusement ride is very well in known in the art as evidenced by platform (29) of Maynes. Therefore, it would have been obvious to one of ordinary skill in the art to modify the amusement ride of JP ('399) with the platform as taught by Maynes for the advantage of allowing the operator to raise the passenger station to an elevated position.

Allowable Subject Matter

Claims 44-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

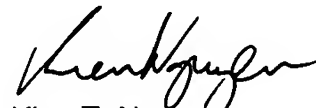
Art Unit: 3712

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The enclosed references are cited for interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (703) 308-2493. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Kien T. Nguyen
Primary Examiner
Art Unit 3712

Ktn
November 18, 2002